

Message Text

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PAGE 01 STATE 213394

ORIGIN ARA-14

INFO OCT-01 AF-10 EUR-12 EA-12 NEA-10 ISO-00 SAB-02

L-03 IO-14 MMO-04 SIG-02 CIAE-00 DODE-00 PM-05

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FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CAIRO

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MONROVIA

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TEL AVIV

AMEMBASSY TOKYO

UNCLAS STATE 213394

E.O. 11652: N/A

UNCLASSIFIED

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PAGE 02 STATE 213394

TAGS: EWWT, PDIP, PN

SUBJECT: TEXT OF PANAMA CANAL TREATY CONCERNING NEUTRALITY

(QUOTE)

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION

THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA
HAVE AGREED UPON THE FOLLOWING:

ARTICLE I

THE REPUBLIC OF PANAMA DECLARES THAT THE CANAL, AS AN
INTERNATIONAL TRANSIT WATERWAY, SHALL BE PERMANENTLY
NEUTRAL IN ACCORDANCE WITH THE REGIME ESTABLISHED IN THIS
TREATY. THE SAME REGIME OF NEUTRALITY SHALL APPLY TO ANY
OTHER INTERNATIONAL WATERWAY THAT MAY BE BUILT EITHER
PARTIALLY OR WHOLLY IN THE TERRITORY OF THE REPUBLIC OF
PANAMA.

ARTICLE II

THE REPUBLIC OF PANAMA DECLARES THE NEUTRALITY OF THE
CANAL IN ORDER THAT BOTH IN TIME OF PEACE AND IN TIME OF

WAR IT SHALL REMAIN SECURE AND OPEN TO PEACEFUL TRANSIT BY
THE VESSELS OF ALL NATIONS ON TERMS OF ENTIRE EQUALITY, SO
THAT THERE WILL BE NO DISCRIMINATION AGAINST ANY NATION,
OR ITS CITIZENS OR SUBJECTS, CONCERNING THE CONDITIONS OR
CHARGES OF TRANSIT, OR FOR ANY OTHER REASON, AND SO THAT
THE CANAL, AND THEREFORE THE ISTHMUS OF PANAMA, SHALL NOT
BE THE TARGET OF REPRISALS IN ANY ARMED CONFLICT BETWEEN
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 213394

OTHER NATIONS OF THE WORLD. THE FOREGOING SHALL BE SUB-
JECT TO THE FOLLOWING REQUIREMENTS:

(A) PAYMENT OF TOLLS AND OTHER CHARGES FOR TRANSIT AND
ANCILLARY SERVICES, PROVIDED THEY HAVE BEEN FIXED IN
CONFORMITY WITH THE PROVISIONS OF ARTICLE III (C);

(B) COMPLIANCE WITH APPLICABLE RULES AND REGULATIONS,
PROVIDED SUCH RULES AND REGULATIONS ARE APPLIED IN CON-
FORMITY WITH THE PROVISIONS OF ARTICLE III;

(C) THE REQUIREMENT THAT TRANSITING VESSELS COMMIT NO
ACTS OF HOSTILITY WHILE IN THE CANAL; AND

(D) SUCH OTHER CONDITIONS AND RESTRICTIONS AS ARE
ESTABLISHED BY THIS TREATY.

ARTICLE III

1. FOR PURPOSES OF THE SECURITY, EFFICIENCY AND PROPER
MAINTENANCE OF THE CANAL THE FOLLOWING RULES SHALL
APPLY:

(A) THE CANAL SHALL BE OPERATED EFFICIENTLY IN ACCORDANCE WITH CONDITIONS OF TRANSIT THROUGH THE CANAL, AND RULES AND REGULATIONS THAT SHALL BE JUST, EQUITABLE AND REASONABLE, AND LIMITED TO THOSE NECESSARY FOR SAFE NAVIGATION AND EFFICIENT, SANITARY OPERATION OF THE CANAL;

(B) ANCILLARY SERVICES NECESSARY FOR TRANSIT THROUGH THE CANAL SHALL BE PROVIDED;

(C) TOLLS AND OTHER CHARGES FOR TRANSIT AND ANCILLARY SERVICES SHALL BE JUST, REASONABLE, EQUITABLE AND CONSISTENT WITH THE PRINCIPLES OF INTERNATIONAL LAW;
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 213394

(D) AS A PRE-CONDITION OF TRANSIT, VESSELS MAY BE REQUIRED TO ESTABLISH CLEARLY THE FINANCIAL RESPONSIBILITY AND GUARANTEES FOR PAYMENT OF REASONABLE AND ADEQUATE INDEMNIFICATION, CONSISTENT WITH INTERNATIONAL PRACTICE

AND STANDARDS, FOR DAMAGES RESULTING FROM ACTS OR OMISSIONS OF SUCH VESSELS WHEN PASSING THROUGH THE CANAL. IN THE CASE OF VESSELS OWNED OR OPERATED BY A STATE OR FOR WHICH IT HAS ACKNOWLEDGED RESPONSIBILITY, A CERTIFICATION BY THAT STATE THAT IT SHALL OBSERVE ITS OBLIGATIONS UNDER INTERNATIONAL LAW TO PAY FOR DAMAGES RESULTING FROM THE ACT OR OMISSION OF SUCH VESSELS WHEN PASSING THROUGH THE CANAL SHALL BE DEEMED SUFFICIENT TO ESTABLISH SUCH FINANCIAL RESPONSIBILITY;

(E) VESSELS OF WAR AND AUXILIARY VESSELS OF ALL NATIONS SHALL AT ALL TIMES BE ENTITLED TO TRANSIT THE CANAL, IRRESPECTIVE OF THEIR INTERNAL OPERATION, MEANS OF PROPULSION, ORIGIN, DESTINATION OR ARMAMENT, WITHOUT BEING SUBJECTED, AS A CONDITION OF TRANSIT, TO INSPECTION, SEARCH OR SURVEILLANCE. HOWEVER, SUCH VESSELS MAY BE REQUIRED TO CERTIFY THAT THEY HAVE COMPLIED WITH ALL APPLICABLE HEALTH, SANITATION AND QUARANTINE REGULATIONS. IN ADDITION, SUCH VESSELS SHALL BE ENTITLED TO REFUSE TO DISCLOSE THEIR INTERNAL OPERATION, ORIGIN, ARMAMENT, CARGO OR DESTINATION. HOWEVER, AUXILIARY VESSELS MAY BE REQUIRED TO PRESENT WRITTEN ASSURANCES, CERTIFIED BY AN OFFICIAL AT A HIGH LEVEL OF THE GOVERNMENT OF THE STATE REQUESTING THE EXEMPTION, THAT THEY ARE OWNED OR OPERATED BY THAT GOVERNMENT AND IN THIS CASE ARE BEING USED ONLY ON GOVERNMENT NON-COMMERCIAL SERVICE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 213394

2. FOR THE PURPOSES OF THIS TREATY, THE TERMS "CANAL," "VESSEL OF WAR," "AUXILIARY VESSEL," "INTERNAL OPERATION," "ARMAMENT" AND "INSPECTION" SHALL HAVE THE MEANINGS ASSIGNED THEM IN ANNEX A TO THIS TREATY.

ARTICLE IV

THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA AGREE TO MAINTAIN THE REGIME OF NEUTRALITY ESTABLISHED IN THIS TREATY, WHICH SHALL BE MAINTAINED IN ORDER THAT THE CANAL SHALL REMAIN PERMANENTLY NEUTRAL, NOTWITHSTANDING THE TERMINATION OF ANY OTHER TREATIES ENTERED INTO BY THE TWO CONTRACTING PARTIES.

ARTICLE V

AFTER THE TERMINATION OF THE PANAMA CANAL TREATY, ONLY THE REPUBLIC OF PANAMA SHALL OPERATE THE CANAL AND MAINTAIN MILITARY FORCES, DEFENSE SITES AND MILITARY INSTALLATIONS WITHIN ITS NATIONAL TERRITORY.

ARTICLE VI

1. IN RECOGNITION OF THE IMPORTANT CONTRIBUTIONS OF THE UNITED STATES OF AMERICA AND OF THE REPUBLIC OF PANAMA TO THE CONSTRUCTION, OPERATION, MAINTENANCE, AND PROTECTION AND DEFENSE OF THE CANAL, VESSELS OF WAR AND AUXILIARY VESSELS OF THOSE NATIONS SHALL, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TREATY, BE ENTITLED TO TRANSIT THE CANAL IRRESPECTIVE OF THEIR INTERNAL OPERATION, MEANS OF PROPULSION, ORIGIN, DESTINATION, ARMAMENT OR CARGO CARRIED. SUCH VESSELS OF WAR AND AUXILIARY VESSELS WILL BE ENTITLED TO TRANSIT THE CANAL EXPEDITIOUSLY.

2. THE UNITED STATES OF AMERICA, SO LONG AS IT HAS RESPONSIBILITY FOR THE OPERATION OF THE CANAL, MAY CON-

UNCLASSIFIED

PAGE 06 STATE 213394

TINUE TO PROVIDE THE REPUBLIC OF COLOMBIA TOLL-FREE TRANSIT THROUGH THE CANAL FOR ITS TROOPS, VESSELS AND MATERIALS OF WAR. THEREAFTER, THE REPUBLIC OF PANAMA MAY PROVIDE THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF COSTA RICA WITH THE RIGHT OF TOLL-FREE TRANSIT.

ARTICLE VII

1. THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA SHALL JOINTLY SPONSOR A RESOLUTION IN THE ORGANIZATION OF AMERICAN STATES OPENING TO ACCESSION BY ALL STATES OF THE WORLD THE PROTOCOL TO THIS TREATY WHEREBY ALL THE SIGNATORIES WILL ADHERE TO THE OBJECTIVES OF THIS TREATY, AGREEING TO RESPECT THE REGIME OF NEUTRALITY SET FORTH HEREIN.

2. THE ORGANIZATION OF AMERICAN STATES SHALL ACT AS THE DEPOSITARY FOR THIS TREATY AND RELATED INSTRUMENTS.

ARTICLE VIII

THIS TREATY SHALL BE SUBJECT TO RATIFICATION IN ACCORDANCE WITH THE CONSTITUTIONAL PROCEDURES OF THE TWO PARTIES. THE INSTRUMENTS OF RATIFICATION OF THIS TREATY SHALL BE EXCHANGED AT PANAMA AT THE SAME TIME AS THE INSTRUMENTS OF RATIFICATION OF THE PANAMA CANAL TREATY, SIGNED THIS DATE, ARE EXCHANGED. THIS TREATY SHALL ENTER INTO FORCE, SIMULTANEOUSLY WITH THE PANAMA CANAL TREATY, SIX CALENDAR MONTHS FROM THE DATE OF THE EXCHANGE OF THE INSTRUMENTS OF RATIFICATION.

DONE AT WASHINGTON, THIS 7TH DAY OF SEPTEMBER, 1977, IN DUPLICATE, IN THE ENGLISH AND SPANISH LANGUAGES, BOTH UNCLASSIFIED

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PAGE 07 STATE 213394

TEXTS BEING EQUALLY AUTHENTIC.

(END QUOTE)
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